

UNITED STATES DISTRICT COURT

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

vs.

CHARLES J. SCHOEFER a/k/a  
CHARLES SCHOEFER a/k/a C.J.  
SCHOEFER

Defendant

CIVIL NO. 18-03822

FILED

APR 8 2019

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

MOTION TO DISMISS UNDER RULE 12(b) FOR  
INSUFFICIENT SERVICE OF PROCESS

The defendant moves to dismiss the action because:

1. the defendant has not been properly served, as shown by the attached affidavit.
2. the defendant is personally within the Eastern District of Pennsylvania.
3. defendant lacks knowledge or information sufficient to form a belief about the truth of plaintiff's allegation that it attempted personal service at his domiciliary address, 327 Winona Street, Philadelphia, PA 19144-3924, of fifty-two (52) years by a private process server.

4. defendant lacks knowledge or information sufficient to form a belief about what the process server advised the plaintiff and did or did not do at the property. The property records would indicate to anyone the property is owned by me since 1967. If there was "no answer" it was probably because I was out or possibly asleep.


5. defendant does not contest what Pa R.C.P. 402(a) and Fed. R. Civ. P. 4(e)(1) or Pa R.C.P. 430(a) provide regarding original process, but denies absolutely that he has concealed his whereabouts or otherwise obstructed service of process.

6. defendant lacks knowledge or information to form a belief about what plaintiff did thereafter to "make a good faith effort" to locate him. The neighbor "confirmed" that I lived there "but he is in and out all the time." Everybody is "in and out all the time" of where they live. There is nothing ominous or nefarious about it.

7. Plaintiff is correct and defendant admits that "There are no other alternate addresses for Defendant," but denies that, "therefore Defendant cannot be personally served within the Eastern District of Pennsylvania or anywhere." In fact in an unrelated legal matter, defendant is the appellant in an administrative appeal of a decision by the Board of Revision of Taxes to the Common Pleas Court of Philadelphia and is required to serve the Board, the City of Philadelphia Law Department, Tax Unit, and the Office of General Counsel of the School District of Philadelphia by Certified Mail/Return Receipt Requested. See Defendant Affidavit of Service in that case. Defendant has Proof of Service in the Court of Common Pleas case. The Plaintiff does not have it in the instant case.

WHEREFORE, Defendant respectfully moves this Court to dismiss the case because the defendant has not been properly served, as shown by the attached affidavits of defendant.

Respectfully submitted,

By:   
Charles Schoeter, prose  
327 Winona Street  
Philadelphia, PA 19144  
(215) 279-3947

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA  
Plaintiff

CIVIL ACTION NO.  
18-03822

v

CHARLES J. SCHOEFER

Defendant

AFFIDAVIT

I, Charles Schofer, prose, depose and state that the following is true and correct to the best of my knowledge and is based upon defendant's personal knowledge and experience:

1. Plaintiff did not attempt to effectuate service of a Summons and complaint on the Defendant through diligent and intelligent efforts. The property has been Defendant's domicile for fifty-two (52) years and he has the right to go about his daily life "in and out" of his home "all the time" if he wants.



2. Plaintiff's investigation revealed no new address for the Defendant. That's because he doesn't have any.

3. Plaintiff's attempts to use a "private process server" from forty (40) to sixty (60) miles away in Berks County was foolish and silly. Plaintiff could have simply mailed the Summons and Complaint in Enforced Collections to the Defendant by registered mail/return receipt requested. The Plaintiff has had forty (40) years to do it.

4. Defendant obviously can be located. It is absolutely not impossible.

5. Plaintiff has made little to no effort to locate the Defendant for over forty (40) years and he can be easily found within the Eastern District of Pennsylvania.

# DEFENDANT AFFIDAVIT OF SERVICE



IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL

Appeal of

Charles Schoefer  
Appellant

MARCH 2019 Term, 2019

No. 001036

From the decision of:  
THE BOARD OF REVISION OF TAXES  
OF THE CITY OF PHILADELPHIA

BRT NO. 124065100

**STANDING ORDER**  
**MARKET VALUE ASSESSMENT APPEAL**

**TO THE APPELLANT:**

1. **Service:** Appellant must serve a copy of the appeal papers and a copy of this Order on each of the following parties, except themselves, by certified mail/return receipt requested. These copies must be served within **twenty (20) days** of the date of this Order.

a. Property Owner (unless Appellant)

b. The Board of Revision of Taxes

Curtis Center, Suite 325 East  
601 Walnut Street  
Philadelphia, PA 19106

c. The City of Philadelphia  
Law Department Tax Unit

The Municipal Services Building  
1401 JFK Boulevard, 5<sup>th</sup> Floor  
Philadelphia, PA 19102  
(Attn: Anthony Barreca)

d. Office of General Counsel  
The School District of Philadelphia

440 North Broad Street, 3<sup>rd</sup> Floor  
Philadelphia, PA 19130

**Note:** Failure to serve the above appeal papers upon any of the above offices or parties may result in the dismissal of your appeal. Keep your return receipts. Appellant must present proofs of service by return receipts which are available from the Post Office.

In Re Appeal Of Schoefer Charles-CMOIS



19030103600002



U.S. Postal Service  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

PHILADELPHIA, PA 19104

Certified Mail Fee \$3.50

Extra Services & Fees (check box, add fee to postage)  
☐ Return Receipt (hardcopy) \$3.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postmark Here  
MAR 23 2019

Postage \$0.55

Total Postage and Fees \$4.05

Office of General Counsel  
School District of Philadelphia  
10 North Broad Street, 3rd Floor  
Philadelphia, PA 19104  
PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

U.S. Postal Service  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

PHILADELPHIA, PA 19104

Certified Mail Fee \$3.50

Extra Services & Fees (check box, add fee to postage)  
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MAR 23 2019

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Board of Revision of Taxes  
His Center, Suite 326 East  
1 Walnut Street  
Philadelphia, PA 19106  
PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

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MAR 23 2019

Postage \$0.55

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City of Philadelphia Department of Revenue  
Law Revenue Bureau  
1000 Locust Street, 14th Floor  
Philadelphia, PA 19104  
PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.

Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, in the front if space permits.

Addressed to:

Office of General Counsel  
School District of Philadelphia  
10 North Broad Street, 3rd Floor  
Philadelphia, PA 19104



590 9402 4218 8121 5552 04

Number (Transfer from service label)  
7 3380 0000 9205 3314

PSN 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

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Addressed to:

Board of Revision of Taxes  
His Center, Suite 326 East  
1 Walnut Street  
Philadelphia, PA 19106



590 9402 4218 8121 5551 74

Number (Transfer from service label)

80 0000 9205 3291

PSN 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

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Addressed to:

City of Philadelphia  
Department of Revenue  
Law Revenue Bureau  
1000 Locust Street, 14th Floor  
Philadelphia, PA 19104



590 9402 4218 8121 5552 11

Number (Transfer from service label)

7 3380 0000 9205 3307

PSN 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent  
☐ Addressee

B. Received by (Printed Name)

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA  
Plaintiff

CIVIL ACTION NO  
18-03822


vs.

CHARLES J. SCHOEFER  
Defendant

CERTIFICATE OF SERVICE

This is to certify that, in this case, complete copies of all papers contained in the attached Motion to Dismiss Under Rule 12(b) FOR Insufficient Service of Process were served upon Plaintiff at the property address by regular mail on April 8, 2019 upon:

Respectfully submitted,

By:   
Charles Schofer, pro se  
327 Winona Street  
Philadelphia, PA 19144  
(215) 279-3947



I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Respectfully submitted,

By: Charles Schoefer  
Charles Schoefer, pro se  
327 Winona Street  
Philadelphia, PA 19144  
(215) 279-3947

